

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

GWENDOLYN SMALLS,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 4:15-cv-00017
)	
CHIEF OF POLICE JAMES W.)	<u>PRETRIAL ORDER</u>
BINNER, ET AL.,)	
)	
Defendants.)	

IT IS ORDERED THAT:

(1) The above-styled case will be set for trial promptly. It is the obligation of the parties to contact the Court's scheduling deputy, Heather McDonald, at 434-793-7147 within 14 days of the date of this Order for the purpose of setting a trial date.

(2) Parties shall submit a status report in the form of a letter, setting forth any pretrial matters which need to be taken up with the Court no later than 60 days prior to trial. A pretrial conference will be scheduled at the request of any party.

(3) Any jury instructions that counsel intend to request should be delivered to the Court at least one week prior to trial. It is not required that counsel exchange proposed instructions. (APPLICABLE ONLY IN JURY TRIALS).

MOTIONS

(4) All motions must be accompanied by a supporting brief. In the event that a motion has been filed prior to the entry of this Order and it was not supported by a brief, movant must file a supporting brief within 14 days of the date of this Order. Briefs in opposition must be filed within 14 days of the date of service of the movant's brief (or within 14 days of this Order if

a motion and brief have been served prior to this Order). **EXCEPT FOR GOOD CAUSE SHOWN, IF BRIEFS IN OPPOSITION TO THE MOTIONS ARE NOT FILED, IT WILL BE DEEMED THAT THE MOTION IS WELL TAKEN.** Movant's reply brief must be filed within 7 days of the date of service of the brief in opposition to the motion.

(5) It shall be the obligation of the moving party to bring the motion on for hearing by notice. If by mutual agreement of the parties a hearing is not required, it shall be the obligation of the moving party to notify the Court that the motion is submitted on briefs. **ANY MOTION WHICH IS NOT BROUGHT ON FOR HEARING OR SUBMITTED ON BRIEFS WITHIN 90 DAYS FROM THE DATE IT IS FILED WILL BE DISMISSED AND THE COURT WILL NOT ENTERTAIN A RENEWED MOTION OF THE SAME ISSUE(S) EXCEPT FOR GOOD CAUSE.** In the event that a motion has been filed prior to the entry of this Order, the moving party must bring the motion on for hearing or submit on briefs within 90 days from the date the motion is filed or 30 days from the date of this Order, whichever time period is greater. All Rule 12 and Rule 56 motions must be heard or submitted on briefs no later than 30 days prior to trial. To meet this deadline the moving party must allow adequate response time for the opposing party, as set forth above.

DISCOVERY

(6) Discovery shall be governed by the Federal Rules of Civil Procedure.

(7) All discovery should be completed in time for the Court to consider any motions which may arise from the discovery process. In all events, discovery (both written and oral) must be completed 45 days prior to trial. This requires that written discovery be served in time to allow the responding party time to respond before the cutoff date for discovery.

(8) All pretrial discovery motions and issues are hereby referred to Magistrate Judge Robert S. Ballou for cases filed in the Danville, Lynchburg and Roanoke divisions; Magistrate Judge Joel C. Hoppe for cases filed in Charlottesville and Harrisonburg divisions; Magistrate Judge Pamela M. Sargent for cases filed in the Abingdon and Big Stone Gap divisions.

WITNESSES

(9) Any expert witness must prepare a written report which shall conform to the requirements of Rule 26. The report must be furnished to the opposing party(s) in a timely fashion so that discovery, if desired, can be completed as required by paragraph (7).

(10) Twenty days prior to trial or at the final pretrial conference, which ever comes first, the parties shall exchange the names of witnesses they expect to call at trial. Along with each witness's name counsel shall include the witness's address and a summary of his anticipated testimony.

(11) If this case is settled before trial and the court does not receive the proposed final order within thirty (30) days after the court received oral or written notification of the settlement, the court will dismiss the case with prejudice without further notice.

(12) The Clerk is directed to send a certified copy of this Pretrial Order to all counsel of record.

ENTERED: This 28th day of May, 2015.

s/Jackson L. Kiser

SENIOR UNITED STATES DISTRICT JUDGE